

## TITLE 43.—PUBLIC LANDS

## Chapter 1.—GENERAL LAND OFFICE.

## CROSS REFERENCE

Right of action for death or personal injury within national park or other place under exclusive jurisdiction of United States as governed by State laws, see § 457 of Title 16, CONSERVATION.

## Section 8. Clerk to sign land patents.—

The statutory provision constituting § 8 of this title was repeated in part in the Interior Department Appropriation Acts of May 10, 1920, c. 277, § 1, 44 Stat. 450, and Jan. 12, 1927, c. 27, § 1, 44 Stat. 937.

Act May 10, 1920, changed the provision from its former position under the heading "Office of the Secretary" to a place under the heading "General Land Office." It would seem, therefore, that the words "In the office of the Secretary of the Interior" in lines 1 and 2 of the section should read "in the General Land Office" by virtue of such change.

The Interior Department Appropriation Act of Mar. 7, 1928, c. 137, § 1, 45 Stat. 202, contains the following provision: "One clerk of grade 1, clerical, administrative, and fiscal service, who shall be designated by the President, to sign land patents."

## 10. Depositary acting for commissioner as receiver of public moneys.—

The statutory provision constituting § 10 of this title was repeated in the Interior Department Appropriation Acts of May 10, 1920, c. 277, § 1, 44 Stat. 450, Jan. 12, 1927, c. 27, § 1, 44 Stat. 936, Mar. 7, 1928, c. 137, § 1, 45 Stat. 202, and Mar. 4, 1929, c. 705, § 1, 45 Stat. 1564.

## 18. Copies of papers filed.—

This section and §§ 19 to 22 of this title should be read in connection with §§ 488 to 492 of Title 5, EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES.

## 19. Certified copies of records.—

See note to § 18.

## 20. Exemplifications of records as evidence.—

See note to § 18.

## 21. Fees for exemplifications.—

See note to § 18.

## 22. Sale of photolithographic copies of township plats.—

As to admissibility in evidence of copies of records of General Land Office, see § 672 of Title 28, JUDICIAL CODE AND JUDICIARY. In connection with this section, see note to § 18.

23. Fees for depositions in hearings in land office.—Where depositions are taken for use in hearings or other proceedings held by order<sup>1</sup> of the General Land Office to determine the character of lands; whether alleged fraudulent entries are of that character or have been made in compliance with law; and hearings in disbarment proceedings, the fees of the officer taking them shall be 25 cents per folio for taking and certifying same and 5 cents per folio for each copy furnished to a party on request.

The statutory provision constituting § 23 of this title was superseded by a part of § 1 of the Interior Department Appropriation Act of Jan. 12, 1927, c. 27, 44 Stat. 937, set out in the text. Matter in italics new. Omission: "of the Commissioner."

It was repeated in the Interior Department Appropriation Acts of Mar. 7, 1928, c. 137, § 1, 45 Stat. 202, and Mar. 4, 1929, c. 705, § 1, 45 Stat. 1564.

The provision as it appears in the Code was repeated in the Interior Department Appropriation Act of May 10, 1920, c. 277, § 1, 44 Stat. 457.

24. Travel by automobile.—Whenever the Commissioner of the General Land Office shall find that the expense of travel can be reduced thereby, he may, in lieu of actual operating expenses, under such regulations as he may prescribe, authorize

the payment of not to exceed 7 cents per mile for an automobile used on official business.

New. This section constitutes a part of § 1 of the Interior Department Appropriation Act of May 10, 1920, c. 277, 44 Stat. 450. The provision was repeated in the Interior Department Appropriation Act of Jan. 12, 1927, c. 27, § 1, 44 Stat. 938.

25. Records of land office; transfer on closing of last office in State.—Whenever the last United States land office in any State has been or after May 28, 1920, may be abolished the Secretary of the Interior be, and he is hereby, authorized to transfer to the State within which such United States land office was or is situated such transcripts, documents, and records of the office aforesaid<sup>1</sup> as may not be required for use of the United States and which the State may desire to preserve.

New. This section constitutes § 1 of Act May 28, 1920, c. 415, 44 Stat. 672, entitled "An Act to provide for the transfer of certain records of the General Land Office to States, and for other purposes."

25a. Field notes and maps; transfer to State on closing of last land office in State.—When the public surveys in any State have been so far completed that in the opinion of the Secretary of the Interior it is no longer necessary to maintain a public survey office in said State, he may turn over to the State the field notes, maps, plats, records, and all other papers appertaining to land titles in such public survey office that may not be needed by the United States and which the State may elect to receive.

New. This section constitutes § 2 of Act May 28, 1920, c. 415, 44 Stat. 673.

For title of Act see note to § 25.

25b. Provision by State for preservation and access.—The transcripts, documents, records, field notes, maps, plats, and other papers mentioned in sections 25 and 25a of this title shall in no case be turned over to the authorities in any State until such State has provided by law for the reception and safekeeping of same as public records, and for the allowance of free access to the same by the authorities of the United States.

New. This section constitutes § 3 of Act May 28, 1920, c. 415, 44 Stat. 673.

For title of Act see note to § 25.

## Chapter 2.—GEOLOGICAL SURVEY.

## ★ Section 46. Exchange of old freight-carrying vehicles as part payment for new.—

The statutory provision constituting § 46 of this title was repeated by the Interior Department Appropriation Acts of May 10, 1920, c. 277, § 1, 44 Stat. 480, Jan. 12, 1927, c. 27, § 1, 44 Stat. 961, Mar. 7, 1928, c. 137, § 1, 45 Stat. 231, and Mar. 4, 1929, c. 705, § 1, 45 Stat. 1594.

"passenger-carrying and" should be read into line 3 of this section after "worn-out."

47. Expenditures for benefit of Indians; report; reimbursement.—At the close of each fiscal year, the Director of the Geological Survey shall submit to the Secretary of the Interior a statement of all expenditures from this appropriation during the previous year for the benefit of any Indian tribe or allottee, in connection with the administration of the laws relating to the operation of oil, oil shale, and gas leases and to the mining of minerals other than oil, oil shale, and gas on Indian lands, and the Secretary of the Interior shall transmit the same annually to Congress on the first Monday in December with a report as to whether or not there are any funds available belonging to any beneficiary from which the Treasury might be reimbursed therefor.

New. This section constitutes a part of § 1 of the Interior Department Appropriation Act of May 10, 1926, c. 277, 44 Stat. 487.

**48. Disposition of amounts received from State, Territory, etc.**—In carrying on work involving cooperation with any State, Territorial, or political subdivision thereof, the amounts received by the Geological Survey from any State, Territory, or political subdivision thereof shall be used to reimburse the appropriation from which the expense of such work is paid.

New. This section constitutes a part of § 1 of the Interior Department Appropriation Act of May 10, 1926, c. 277, 44 Stat. 487.

The provision was repeated in the Interior Department Appropriation Act of Jan. 12, 1927, c. 27, § 1, 44 Stat. 903.

### Chapter 3.—SUPERVISOR OF SURVEYS AND DEPUTY SURVEYORS.

★ **Section 53. Powers devolved on Commissioner of Land Office on turning over of papers to States.**—

"the preceding section" in line 3 of this section should read "section 54 of this title."

**55. Field notes delivered to States; access to.**—

This section contains a reference to deputy surveyors, but under the present organization and system of surveys there are no deputy surveyors. However the legislation relating to them has not been repealed and is therefore properly in the Code.

**61. Deputy surveyor; bond.**—

This section and §§ 62 and 63 which follow contain references to deputy surveyors' contracts and bonds. Under the present organization and system of surveys there are no deputy surveyors, and surveys are not made by contract. However the legislation has not been repealed and is therefore properly in the Code.

**62. Oath of deputy surveyor.**—

See note to § 61 of this title.

**63. Suit on bond of deputy.**—

See note to § 61 of this title.

### Chapter 4.—REGISTERS.

#### CROSS REFERENCE

As to transfer of records, etc., on abolition of last office in a State, see §§ 25 to 25b of this title.

★ **Section 74. Transfer of duties of register.**—

"Field Surveying Service" should read "Supervisor of Surveys" by virtue of § 51 of this title.

**75a. Administration of oaths by employee acting as register.**—A qualified employee of the Department of the Interior who has been designated to act as register of any United States land office pursuant to the provisions of section 73 of this title, may at all times administer any oath required by law or the instructions of the General Land Office in connection with the entry or purchase of any tract of public land, but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

New. This section constitutes Act May 17, 1926, c. 303, 44 Stat. 558, entitled "An Act to authorize acting registers of United States land offices to administer oaths at any time in public land matters."

**80. Salary; maximum compensation.**—

This section is probably superseded by section 80a.

**80a. Salary, fees and commissions.**—From and after the beginning of the next fiscal year the compensation of registers of local land offices shall be a salary of \$1,000 per annum each and all fees and commissions now allowed by law to such registers, but the salary, fees, and commissions of such registers shall not exceed \$3,000 each per annum: *Provided*, That the salary of the register, of the Juneau land district, Alaska, shall be \$3,000 per annum.

New. This section constitutes Act May 21, 1928, c. 661, 45 Stat. 684, entitled "An Act to fix the compensation of registers of local land offices, and for other purposes."

**90. Expenses incurred.**—

The statutory provision constituting § 90 of this title was repeated in the Interior Department Appropriation Acts of May 10, 1926, c. 277, § 1, 44 Stat. 457, Jan. 12, 1927, c. 27, § 1, 44 Stat. 938, Mar. 7, 1928, c. 137, § 1, 45 Stat. 203, and Mar. 4, 1929, c. 705, § 1, 45 Stat. 1505.

**95. Repayment of purchase moneys paid under applications rejected.**—

This section and §§ 96, 97, and 98 which follow relate to repayments and should be read in connection with §§ 262 and 263 of this title.

**96. Repayment of excess payments.**—

In connection with this section see note to § 95 of this title.

**97. Certification of amount of excess moneys and repayment.**—

In connection with this section see note to § 95 of this title.

**98. Rules and regulations.**—

In connection with this section see note to § 95 of this title.

★ **99. Repayment of moneys deposited and covered into Treasury.**—

"other than those specified in the four preceding sections" in lines 2 and 3 of this section should be omitted.

This section would more logically follow § 93.

### Chapter 5.—LAND DISTRICTS.

**Section 130. Entry of public lands in States where no land offices exist.**—

"Mar. 3, 1877, c. 102, 19 Stat. 315," should precede the citation at the end of this section as an additional citation.

### Chapter 6.—WITHDRAWAL FROM SETTLEMENT, LOCATION, SALE, OR ENTRY.

**Section 144. Entries on land withdrawn as valuable for oil or gas validated.**—

"Existing entries" at beginning of this section should read "Entries existing on February 7, 1925, and."

### Chapter 7.—HOMESTEADS.

#### GENERAL PROVISIONS

**Section 161. Who may enter unappropriated public lands generally.**—

This section correctly states the language of the statutory provision from which it is derived, but it is suggested that the section standing alone would permit entry under the homestead laws of all unappropriated public land, notwithstanding it may be mineral or saline land, or reserved, or within the limits of an incorporated town, or selected as the site of a city or town, or actually settled upon and occupied for purposes of trade and business. It has been suggested, therefore, that after "unappropriated" in line 7 these words be inserted: "unreserved, nonmineral, nonsaline" and after "lands" in the same line, "not within the limits of an incorporated town, nor selected as the site of a city or town, nor actually settled upon and occupied for purposes of trade and business."

**164. Certificate or patent generally; general requisites to issuance.**—

This section should be read in connection with § 231 of this title, as it authorizes the homesteader to be absent for but one continuous period of five months each year, whereas Acts Aug. 22, 1914, c. 270, 38 Stat. 704, and Feb. 25, 1919, c. 21, 40 Stat. 1153, carried into § 231 of this title, authorize two absences each year, and also a reduction in the period of residence.

**165. Suspension of entries for correction of clerical errors; patents.**—

This section should be omitted, as § 1105 covers the same subject matter and accurately states the law.

★ **166. Time of filing application and of perfecting entry; marriage of entrywoman; preferential rights of entry.**—

"1838" in line 8 of this section should read "1880."

★ **167. Marriage of entryman to entrywoman.**—

"March 1, 1921," in line 11 of this section should read "April 6, 1914."